

Message

From: Kler, Denis [Kler.Denis@epa.gov]
Sent: 8/31/2022 8:19:38 PM
To: jason.howanitz@jcdh.org
CC: Rieck, Stephen [Rieck.Stephen@epa.gov]
Subject: RE: Jefferson County SRF CAA, File #25 Bluestone

Jason,

The HPV policy (see below) provides what should be included in the timeline. It doesn't need to have all the specifics about the case.

From HPV policy page 8

Case development and resolution timelines need to include: (1) the pollutant(s) at issue; (2) an estimate of the type and amount of any on-going or recurring emissions in excess of the applicable standard; and (3) specific milestones for case resolution. Specific milestones for an enforcement agency's timeline should include., but are not limited to:

- A proposed date for the start of settlement negotiations and a proposed timeline for such negotiations;
- A proposed date for commencing an enforcement action (administrative or judicial); and
- Other steps the enforcement agency chooses that are important for case resolution.

Also, where applicable, the plan should also identify activities where the EPA can assist in the development or prosecution of the case, or otherwise help address the violation. The enforcement agency should have this plan finalized before the initial case-specific consultation with the Region occurs (see next step); however, the enforcement agency is not required to submit a written plan to the EPA.

Denis B. Kler
U.S. EPA Region 4
Enforcement and Compliance Assurance Division
Policy, Oversight and Liaison Office
Phone: 404-562-9199

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From: Howanitz, Jason <Jason.Howanitz@jcdh.org>
Sent: Wednesday, August 31, 2022 4:09 PM
To: Kler, Denis <Kler.Denis@epa.gov>
Subject: RE: Jefferson County SRF CAA, File #25 Bluestone

Not sure how that would work when I can't discuss any parts of the litigation. All communications with regards to this legal case are attorney client privileged. Since EPA is not a party I cannot include them in the discussion. I will note that I have kept Steve up to date on the public filings. I can give you what timelines/filings that are public.

Thanks

Jason Howanitz, MSCE, PE

Principal Air Pollution Control Engineer
Air and Radiation Protection Division
205-930-1284

From: Kler, Denis <Kler.Denis@epa.gov>
Sent: Wednesday, August 31, 2022 3:00 PM
To: Howanitz, Jason <Jason.Howanitz@jcdh.org>
Cc: Rieck, Stephen <Rieck.Stephen@epa.gov>
Subject: RE: Jefferson County SRF CAA, File #25 Bluestone

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Jason,
The HPV policy indicates that the action has to be addressed within 180 days from day zero, and if not then a case development and resolution timeline has to be developed and put in place by day 225. Can you please provide me a copy of the case development and resolution timeline that was put in place for this case?
Thank you.
Denis

Denis B. Kler
U.S. EPA Region 4
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From: Howanitz, Jason <Jason.Howanitz@jcdh.org>
Sent: Wednesday, August 31, 2022 2:41 PM
To: Kler, Denis <Kler.Denis@epa.gov>
Subject: RE: Jefferson County SRF CAA, File #25 Bluestone

- 1) There were two different compliance inspections (code as FCE on our side). One was a FLIR inspection of the plant and the other was a traditional inspection minus the FLIR. We could consolidate them into one if you all want to but I try to capture all events so the public sees what is being done. It was more in depth than just showing up like a PCE (which I don't enter but the system will upload those when it works).
- 2) No clue. We were not in the office during that time and I was working COVID testing site 5-6 days a week so it must have been missed on my part. I was pretty busy doing press and public info on this NOV.
- 3) That NOV is still part of current litigation which EPA is not a party to. I am sure there is plenty of info out there in the news. I know I have kept Steve up to date on what I can as far as filings. I will see if I can get legal to send me short summary.

- 4) JCDH has never been instructed to input warning letters into ICIS or report those to EPA prior. JCDH has always understood it to be when an NOV is issued and has stayed consistent with that process until instructed otherwise.

Hopefully that helps.

Thanks

Jason Howanitz, MSCE, PE
Principal Air Pollution Control Engineer
Air and Radiation Protection Division
205-930-1284

From: Kler, Denis <Kler.Denis@epa.gov>
Sent: Wednesday, August 31, 2022 12:55 PM
To: Howanitz, Jason <Jason.Howanitz@jcdh.org>
Cc: Rieck, Stephen <Rieck.Stephen@epa.gov>
Subject: Jefferson County SRF CAA, File #25 Bluestone

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Jason,

A few questions about the Bluestone file.

- 1) ICIS has two FCEs listed one on 9/14/2020 and the other on 9/30/2020. Could you provide information as to why there are two FCEs listed in ICIS?
- 2) A NOV was issued on 7/15/2020. This NOV is not in ICIS. Could you provide information as to why the NOV is not listed in ICIS?
- 3) How was the NOV resolved? Was a release agreement issued with a civil penalty?
- 4) Reviewing the file, I noticed that several warning letters (informal enforcement actions) were issued to the company. None of the warning letters are listed in ICIS. Could you provide information as to why the warning letters are not listed in ICIS?

Thank you

Denis

Denis B. Kler
U.S. EPA Region 4
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